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BEZUAYEHU, SOLOMON G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/774,057	REYNOLDS ET AL.	
	Examiner	Art Unit	
	SOLOMON BEZUAYEHU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-2, 5-9, 11, and 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), and further in view of Archer (Pub. No. US 20040125931).

Regarding claim 1, Tesink teaches about receiving an indication that a notification should be delivered to a plurality of recipients [Para. 31, receiving notification event]; identifying (retrieving) contact information for the plurality of recipients [Para. 31, retrieving list of recipients information]; initiating an outbound packetized call to more than one of the plurality of recipients [Para. 31, establishing calls to indicated recipient simultaneously]; and connecting (communicating) the call to a multicast server (agent/notification processor)

[Para. 23 and 31; calling the participants by call processor and communicate the participant to the notification processor]; and delivering a message with the multicast server (agents) [Para. 31 and 32],

However, Tesink does not explicitly teach about recognizing an answering of a first call, directed to *a called party* that is included in the plurality of recipients,

Archer teaches about a server making an outbound call to multiple destinations and terminating the rest of the connection when it recognizes that one of the connections (first call) has been answered [Para. 44-48],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to recognize answer of the first call, feature as taught by Archer; because the modification enable service provider to save resources by reducing number of notification repeatedly .

Regarding claim 2, Tesink teaches about disconnecting from the first call and indicating successful delivery of the message to the called party [Para. 33, and 47].

Regarding claim 5, Teskink teaches about making an outgoing call [Para. 31 and 32]

However, Teskink doesn't explicitly teach that the call is a VoIP call,

Archer teaches about making a phone call over the internet (VoIP call) [Para. 11, 15, 29, 43 and 44],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to make a Voip call, feature as taught by Archer; because the modification enable service providers to provide service with cheaper monthly payment.

Regarding claim 6, Teskink and Ancher do not specifically disclose making a call to over a hundred pluralities of recipients. However Teskink and Ancher do disclose making multiple calls simultaneously over the internet as discussed in claims 1 and 5. Furthermore it has been held that change in size involves only ordinary skill in the art. See In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) or In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to make a phone call over a hundred recipients simultaneously, since change in size involves only routine skill in the art.

Regarding claim 7, Teskink and Ancher do not specifically disclose a voip switch ha a simultaneous connection limit, further wherein the more than one of the plurality of recipeients comprises a number of recipients greater than 75% of the simultaneous connection limit. However Teskink and Ancher do disclose making multiple calls simultaneously over the internet using a server (Voip switch) as discussed in claims 1 and 5. Furthermore it has been held that change in size involves only ordinary skill in the art. See In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) or In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to set the number connection limit and for recipients greater than 75% of the connection limits, since change in size involves only routine skill in the art.

Regarding claim 8, Tesink teaches about disconnecting from the first call and indicating successful delivery of the message to the called party [Para. 33, and 47].

Regarding claim 9, Tesinks teaches about the contact information comprising a telephone number for each of the plurality of recipients [Para. 4, 25, and 26],

However, Teskink does not explicitly teach about Voip telephone numbers

Archer teaches about a call list including internet telephones number [Para. 9 and 29],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to include a Voip telephone number in the list, feature as taught by Archer; because the modification enable service provider to save resources by reducing number of notification

Regarding claim 11, Tesink teaches a memory (database) maintaining contact information for a collection of subscribers to be notified in response to a given notification signal, the collection of subscribers comprising a user and the contact information comprising a telephone number for the first user [Para. 4, 25, and 26];a network interface operable to receive the notification signal and to output a trigger signal in response to receipt of the given notification signal [Para. 20, 22, and 23]; a message to be played to the collection of subscribers in response to receipt of the given notification signal [Col. 30]; a switch (call processor responsive to the trigger signal and operable to support a plurality of simultaneous connections, the switch further operable to initiate

outbound calls to a plurality of users in the collection of subscribers [Para. 23, 31, and 33]; connecting (communicating) the call to a multicast server (agent/notification processor) [Para. 23 and 31; calling the participants by call processor and communicate/connect the participant to the notification processor]; and delivering a message with the multicast server (agents) [Para. 31 and 32],

However, Teskink does not explicitly teach that a call answered mechanism operable to recognize an answering of a given call placed to the first user (user who answer the call first), and voip telephone numbers

Archer teaches about a server (Voip switch) making an outbound call to multiple destinations and terminating the rest of the connection when it recognizes that one of the connections (first call) has been answered [Para. 44-48] and call list includes internet telephones number [Para. 9 and 29],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to perform recognize answer of the first call, feature as taught by Archer; because the modification enable service provider to save resources by reducing number of notification repeatedly .

Regarding claim 13,Teskink teaches about delivering a special ring patter to recipients [Para. 29, it is inherent that delivering a signal operable to initiate sending of a ring voltage to deliver a special ringing patter].

Regarding claim 14 and 15, Teskink teaches about notify list comprising the collection of subscribers to be notified in response to the given notification signal (first wave) and a second collection of subscribers to be notified in response to a second notification signal (second wave), wherein the network interface is further operable to receive the second notification signal and to output a second trigger signal in response to receipt of the second notification signal [Para. 32].

Regarding claim 16, Teskink teaches about the given notification signals comprises an Emergency Alert System notification [Para. 67, 44, and 26].

Regarding claim 17, Teskink teaches about a call log engine operable to track a metric associated with message delivery to the collection of subscribers (maintaining the delivery status of the collection of subscribers), the call log engine further operable to initiate a retry signal directing the VoIP switch to retry a call to a given subscriber [See fig. 3, Step. 310, 308 and 25,33; "have all recipients in the specified recipient list been contacted?" when the answer is “no" go to "configure the call processor to deliver the message to a set of Recipients in the recipient list again"].

Regarding claim 18, Teskink teaches about a specialized ring tone signal (special ring pattern signal) communicated to customer premise equipment operable to play a specialized ring tone that identifies an incoming call as an attempt to deliver the message [Para. 29, 45].

Regarding claim 19, Teskink doesn’t explicitly teach having a modem providing a portion of a link,

Archer teaches about a broadband (cable) modem providing at least a portion of a link communicatively coupling the VoIP switch (server) to a piece of customer premises equipment [Para. 54, 72],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to use a broadband modem to provide a connection link, feature as taught by Archer; because the modification enable service provider to save resources by reducing number of notification repeatedly .

Regarding claim 20, Teskink teaches about the contact information further comprising an additional communication address for the first user, the additional communication address selected from the group consisting of an electronic mail address, a Plain Old Telephony Service telephone number [Para. 6, 41, 43, 50-56, and fig. 6].

Regarding claims 21 and 27, Tesink teaches about maintaining a collection of callable telephone numbers [Para. 4]; creating a call list comprising at least one telephone number from the collection [Para. 4]; associating the call list with an event trigger [Para. 8, 5 and 6, during a notification event, initiator chooses a recipients list associated with the event]; saving (storing) a file representing a message (text or audio) to be played to the call list in response to receipt of the event trigger [Para. 29 and 30]; initiating an individual call to the at least one telephone number and a second individual call to a different telephone number on the call list in response to receipt of the event trigger [Para. 31 and 32]; passing an answered call to an multicast

server (agent) [Para. 23 and 31; calling the participants by call processor and communicate (pass) the participant to the notification processor]; playing the file to generate an output signal [Para. 30]; and communicating the signal in connection with the answered call [Para. 30-34; when the message is playing to the recipient, the signal is communicating with the answered call],

However, Tesink does not explicitly teach about IP multicast server and Voip telephone numbers,

Archer teaches about a server (IP multicast server) making an outbound call to multiple destinations and terminating the rest of the connection when it recognizes that one of the connections (first call) has been answered [Para. 43-48] and call list includes internet telephones number [Para. 9 and 29],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink to perform multicast message delivery using IP multicast server, feature as taught by Archer; because the modification enable service provider to save resources by reducing number of notification repeatedly.

Regarding claim 22, Tesink teaches about creating a second call list (fire fighters list and police notification list) comprising the at least one VoIP telephone number from the collection and associating/designating the second call list with a different event trigger [Para. 26-29].

Regarding claim 23, Tesink teaches about creating the call list based at least partially on a geographic location of a telephone station associated with the VoIP telephone number [Para. 28, 49].

Regarding claim 24, Tesink teaches about creating the call list based at least partially on a group affiliation (police department or fire fighters) of a user associated with the VoIP telephone number[Para. 26-29].

Regarding claim 26, Tesink teache initiating presentation of an administrator interface (control interface) to a remote party [Para. 41 and 42]; receiving via the interface a request to create (entering) a second call list and creating the second call list [Para. 41 and 42]; and associating the second call list with a different event trigger [Para. 40-42 and 49].

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733) in view of Archer (Pub. No. US 20040125931), and further in view of Koser et al. (Pub. No. 20070127707).

Regarding claim 3, Tesink teaches about communicating a specialized incoming call signal (ring pattern) to the customer premise equipment [Para. 29];

However, Tesink and Archer do not explicitly teach about recognizing that the customer premise equipment ring tone functionality,

Koser teaches about recognizing (determining) that customer premise equipment associated with the first call comprises specialized ring tone functionality based on user's subscription [Para. 116 and 119],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to further modify Teskink and Archer to recognize ring capability of the end device, feature as taught by Koser; because the modification enable service provider reduce load on the network by eliminating unnecessary transmission of special ring-tone signal to a device that is not capable of receiving.

Regarding claim 4, Teskink teaches about maintaining a list of users to be notified in response to receipt of a given indicator [Para. 4, 25, and 26]; determining that the received indication is the given indicator and using the list of users to identify contact information for the plurality of recipients [Para. 9, 15, 18, 26, 29 , 43 and 44].

5. Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733) in view of Archer (Pub. No. US 20040125931), and further in view of Shenefiel (Pub. No. US 20050135383).

Regarding claims 10 and 25, Teskink and Archer do not explicitly teach about selecting and playing a .WAV file,

However, Shenefiel teaches about playing an .WAV file representing the message [Para. 39],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to further modify Teskink and Archer to play a .WAV file representing the message, feature as taught by Shenefiel; because the modification enable service provider to provide a better quality message system.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733) in view of Archer (Pub. No. US 20040125931), and further in view of Brownrigg et al. (Pub. No. US 20060098576).

Regarding claim 12, Teskink and Archer do not explicitly teach about the VoIP switch is operable to communicatively couple to a plurality of the subscribers across links comprising twisted pair wiring,

However, Brownrigg teaches about the VoIP switch (server) is operable to communicatively couple to a plurality of the subscribers across links comprising twisted pair wiring [Para. 7],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to further modify Teskink and Archer to couple a Voip switch to plurality of subscriber using twisted pair wiring, feature as taught by Brownrigg; because the modification enable service provider to provide quality service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOLOMON BEZUAYEHU whose telephone number is (571)270-7452. The examiner can normally be reached on Monday through Friday 9 a.m-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SOLOMON BEZUAYEHU/

Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614